

**ABSTRACT**

Public Services - Sri K.Rajagopalachar, Assistant Secretary to Govt., Law Department - Departmental proceedings under rule 20 of the A.P.Civil Services (Classification, Control and Appeal) Rules, 1991 - Final Orders - Issued.

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**LAW (M.I) DEPARTMENT**

G.O.Rt.No. 1494

Dt.24 -09.2011

Read the following:

- 1) Order of the A.P.Information Commission in Appeal  
No.4421/CIC/2009, dt.29.4.2010.
- 2) G.O.Rt.No.1404, Law.(M1)Dept., dt.31.8.2010.
- 3) Govt.Memo.No.2118/15 (RTI) M1/2010-2, Law (M1) Dept.,  
dt.31.8.2010.
- 4) Enquiry Report received from the Enquiry Officer  
dt.7.12.2010.
- 5) Govt.Memo.No.2118/15(RTI)/M1/10-6, dt.15.2.2011.
- 6) From Sri K.Rajagopalachar, representation dt.5.3.2011.

**ORDER:-**

The Chief Information Commissioner in the order first read above in Appeal No.4421/CIC/2009 has for the various acts of omission and commissions directed the Secretary, Law Department, A.P.Secretariat to cause a detailed enquiry into the matter and fix responsibility on the delinquent officers and take deterrent action within the period specified therein. Sri K.Rajagopalachar vide.Memo.No.2118/15 (RTI) /10 dt.9.8.2010 has been directed to explain the reasons for not processing the application of Sri Ravuri Ramesh Babu, 17/231, Thipparaju vari Street, Nellore, SPSR Nellore district received in the department on 29.12.2008 and not furnishing the information to the applicant and he has submitted his explanation on 17.8.2010.

2. In the G.O.second read above while communicating the statement of articles of charges, imputations of misconduct or misbehaviour in support of each article of charge, list of documents by which and list of witnesses by whom articles of charge are proposed to be sustained, Sri K.Rajagopalachar, Assistant Secretary to Government has been informed that an enquiry will be held in respect of those articles of charges and directed to submit written statement.

3. In the Government Memo.dt.31.8.2010 Sri G.B.V.S.Nageswara Rao, Joint Secretary to Government, Law Department has been appointed as Inquiring Authority under rule 20(2) of the A.P.Civil Services (Classification, Control and Appeal) Rules, 1991, to enquire into the charges framed against Sri K.Rajgopalachar.

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4. Sri K.Rajgopalachar has submitted his written statement of defence to the charges levelled against him in G.O.Rt.No.1404, Law Dept., dt.31.8.2010. As he has not admitted the articles of charge framed against him in his written statement of defence, it has been decided to conduct an enquiry into the matter and the enquiry officer has been requested to conduct and complete the enquiry in Government Memo.No.2118/15(RTI)/M1/2010-4 Law (M1) Dept., dt.24.9.2010.

5. The enquiry officer has submitted his enquiry report on 7.12.2010. The charges against Sri K.Rajgopalachar, Asst. Secretary to Government are as follows:

#### **Article-I**

That the said Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department while functioning as Section Officer in-charge of Law (M) Department during the period from July, 2008 to February, 2009 has attended to the duties of Section Officer, Law (M) Department.

#### **Article - II**

That during the aforesaid period and while functioning in the aforesaid office, the said Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department received the application of Sri Ravuri Ramesh Babu, R/o.17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005 on 29.12.2008.

#### **Article-III**

That during the aforesaid period and while functioning in the aforesaid Office, the said Sri K.Rajagopalachar, Assistant Secretary to Government, Law Department has not taken any action on the application of Sri Ravuri Ramesh Babu, R/o.17/231, Thipparaju vari Street, Nellore, SPSR Nellore District submitted under RTI Act, 2005, which was received on 29.12.2008 in Law (M) Department, i.e. furnishing necessary information / transfer of application, as the case may be, under the provisions of Right to Information Act, 2005.

The Enquiry Officer has reported that in accordance with the orders issued in G.O.Ms.No.120 Law (M.I Department dt. 23.9.2005 conferring powers under sub-section (1) and (2) of section 5 and sub-section (1) of section 19 of the Right to Information Act, 2005 on the officers specified therein the persons holding the post of Dy.Secretary to Government incharge of the O.P. and the Section Officer, Incharge of O.P. are designated as State Public Information Officer and State Asst. Public Information Officer respectively, for the purpose of providing information available in the Law Department of Secretariat to the persons requesting the information subject to the other provisions contained in the Act. Though, Sri Rajagopalachar has been promoted as Asst.Secretary to Government, has been forced to work as incharge Section Officer as per the oral orders of the Deputy Secretary without any valid orders in this regard, he can be said that he is the State Asst.Public Information Officer during the relevant period of time i.e. as on 29.12.2008 and has received the application in question and not pursued further. While stating that according to the provisions of the RTI Act, 2005 any current under the RTI Act has to be registered and dealt with by the PIO and in terms of the orders issued in G.O.Ms.No.120, Law Department dt.

23.9.2005, the persons holding the post of Dy.Secretary (OP) and Section Officer concerned who are named as PIO and Asst.PIO respectively, has to receive, acknowledge, register and dispose of the current under the RTI Act within the time frame as contemplated under the said Act.

The Enquiry Officer observed that though Sri K.Rajagopalchar, acted as incharge Section Officer, as he was neither placed incharge of the Section Officer nor assigned specific duties to attend in respect of O.P, officially, it may not be proper to make him as a scapegoat. However, the Enquiry Officer also observed that as he acted as in charge S.O. of O.P.section, the maintenance of P.R. as contemplated under the Secretariat Manual is under the supervision of the Section Officer or as required by the RTI Act, and held that the charges framed against Sri K.Rajagopalachar, Asst.Secretary to Government and acted as incharge S.O. at the relevant period of time are proved. The Enquiry Officer finally observed that lenient view may be taken against him and he may be warned to be careful in future duly taking into consideration his past record.

As per the extract of the relevant page from the tapal Register placed in the file, out of four currents received on 29.12.2008, two currents bearing C.No.08843 and 08845 pertain to the A.S.O.(M.I) Section, who is said to have been on leave on that day.

As is stated by Sri K.Rajagopalachar in his Written Statement, and stated in the Enquiry Officer's report as well, the concerned ASO on return from leave admittedly has submitted the relevant file in connection with the C.No.08845 received on 29.12.2008. Keeping in view the normal procedure said to be in vogue in the department for distribution of currents, on receipt from the tappals, to the concerned ASOs working in the section; the submission of the file relating to C.No.08845 received on 29.12.2008 along with the other currents in question received under the RTI Act, it tends to the conclusion that Sri K.Rajagopalachar might have handed over the current to the concerned. Though, Sri K.Rajagopalchar is duty bound to see that the file is processed, his failure cannot be gainsaid as negligence and lack of devotion, but his lack of supervision in pursuing the matter and taking required action on the current in question received under the RTI Act, if examined keeping in view his past record of service, is not intentional in the given circumstances.

Government after taking into consideration the submissions made by Sri K.Rajagopalachar and after examination of the matter in detail hereby decide to drop further action by exonerating him of the charges levelled against him and order accordingly.

(BY ORDERS AND IN THE NAME OF GOVERNOR OF ANDHRA PRADESH)

R. Damodar,  
Secretary to government  
Legal Affairs

To  
K.Rajagopalachar, Deputy Secretary to Government,  
Law Department,

Copy to : The Chief Information Commissioner, HACA Bhavan, Opp. Public Garden,  
 " : A/r & S/c

//Forwarded By: Order//

SECTION OFFICER